

## **The Campaign against Terrorism: An Asean Perspective**

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The Asean Convention on Counter-terrorism, which was signed at the Asean summit in Cebu in January 2007, was completed in just two months and three days last October. That was a record time in the Asean history, granted its members' preponderance not to give away anything they did not agree. Credited must be given to the Philippines and Indonesia which pushed hard for the conclusion. It remains to be seen how this convention will expedite Asean cooperation in counter terrorism at the regional and global levels. Asean, as a whole, has treated terrorism very seriously. But the grouping also has problems in fulfilling their commitments.

This historic counter terrorism convention will increase the grouping's solidarity and political will to fight terrorism in its own turf. The fact that it came out ahead of the Asean Charter was also significance as it signaled the members' readiness to grapple with different transnational challenges which often concerning national sovereignty and integrity such as transnational crimes (drugs and human smugglings), maritime security to natural disasters and humanitarians aid, pandemics and energy cooperation.

What is interesting about this counter terrorism convention is in its regional favor and treatment of issue-related to terrorism. It has everything that the international treaties and protocols related to terrorism have. Two important points in the convention need to be discerned especially those concerning rehabilitative programs (article 11) and the concept of fair treatment (article 8).

As part of the comprehensive program to prevent the perpetration of terrorist acts, the Asean members agreed to share their best practices on rehabilitative and social reintegration programs. With experience of Singapore, Indonesia, Malaysia and the Philippines, rehabilitation of real-life terrorists is part of important campaign to counter local terrorist groups. Those who arrested on terrorism charges need to be handled with utmost care so that they can be reintroduced to mainstream societies once again.

Singapore has good rehabilitation programs that involved broader stakeholders including religious teachers. Reformed former terrorists have the rapport and assistance from the community they live so they can be reintegrated quickly. In the past four years, several hundred of alleged terrorists were arrested and some have been under this reintegration program. Quite a few reformed terrorists in Singapore were employed by state agencies. In this case, the Asean approach to combat terrorism could be emulated elsewhere.

On the issue of fair treatment, it shows Asean's growing sensitivity to international human rights law, which prohibits any inhumane treatments of inmates. The grouping is mindful of the reported abuses of detainees both in

Afghanistan and Iraq including the controversial Guantanamo Bay detention center.

There is one caveat. If history is any judge, Asean does not have a good record of taking obligations seriously. Compliance is still a big symptom in Asean. For instance, Asean agreed in 1993 to set up a regional human right mechanism. Nothing much has happened.

Furthermore, some Asean members are not enthusiastic in signing and ratifying the 16 counter-terrorism related conventions and protocols. This attitude has raised doubts concerning its seriousness in combating terrorism. So, it is not wrong to say that Asean's response to terrorism has largely been no greater than the sum of the contribution of its individual members.

Six months have passed now. No Asean members have ratified the counter-terrorism convention. Indonesia and the Philippines could ratify it soon. When Asean concluded Treaty on Mutual Legal Assistance in Criminal Matters in 2004, it still has not yet been in effect as a few Asean members have ratified it. However, in the case of the counter terrorism convention, it needs only six members to ratify to be effective. Domestic legal constraints are big problems. It will take years, if not decades, to harmonize domestic laws with the international standards. Furthermore, Asean members still guard their sovereignty and respect the principle of non-interference.

Asean members feel more comfortable to cooperate among themselves as they know each other potentials and limitations. Sometimes even among themselves, there needs to be a period of confidence-building. For instance, in May 2002, Indonesia, Malaysia and the Philippines signed the Agreement on Information Exchange and Establishment of Communication Procedures to cooperate in combating transnational crime, including terrorism. It took three years to convince Thailand and Cambodia to accede to the agreement.

Asean members do not trust other international arrangements, especially the Asia Pacific Economic Cooperation (Apec), which has been highlighting counter-terrorism works. Strong prevailing sentiment after the Sept 11 was that the Apec process has been hijacked by Washington to address terrorism issues in the forum essentially for economic and trade issues.

For Asean, Asean Regional Fom (ARF) could be a better forum to address the issue. It can do a better job as it has several mechanisms in place. Asean feels much cozier with this region-wide process as the grouping is in the driving seat since 1994. ARF can help Asean to share best practices and encourage implementations of international counter-terrorism standards.

The Asean counter terrorism convention augurs well with the ongoing UN effort and other international organization since the 11 Sept. The UN Global on counter terrorism strategy adopted in September 2006 should provide the much needed framework for the regional grouping. In the past five

years, Asean has followed recommended common actions including criminalize assistance for terrorist activities, deny financial support, safe haven to terrorists and share information about groups planning terrorist attacks.

The future cooperation between Asean and UN will be strengthened. Asean became UN observer last year after more than a decade of debate. It showed that Asean is paying more attention to UN and the importance of its presence at the global body. Secondly, Asean wants to retain its role as a driving force in regional dialogue and cooperation as well as promote international peace, security human rights and socio-economic development.

The grouping is hoping that with the convention in place now, the next step is to conclude an Asean-wide extradition treaty. Granted the momentum, the Asean leaders might again push for the conclusion of the treaty in time for the upcoming summit in Singapore in November. They are scheduled to sign the Asean Charter, another law-biding document to mark the 40<sup>th</sup> anniversary of founding of Asean.

If all these go according to the plan, Asean Secretariat will be given more mandates to speak on behalf of the member countries on issues related to terrorism including filing an annual report to the UN. In the future, the secretariat can also name terrorist groups as in the US and European Union. In doing so, Asean would require the continued support and cooperation as well as understanding of its dialogue partners and the international community.